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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,024	12/04/2001	Wilfred F. Brake	100116241-1	8687

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
HENDERSON, ADAM	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/000,024	BRAKE ET AL.	
	Examiner	Art Unit	
	Adam L. Henderson	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-12,14,16 and 21-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-12,14,16 and 21-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10 November 2005 have been fully considered but they are not persuasive.

Applicant contends that neither Kazami (US Patent 6,289,178) nor Niikawa et al. (US Patent 6,812,967) disclose that the size designator is continuously increased or decreased. However, one is able to start at the box designated 26 in FIG. 6 of Kazami and "continue" to box 25 and further "continue" to box 24 or vise versa. Alternatively, since the current application displays the size designator on a display screen, the possible number of designator sizes must inherently be fixed by the number of pixels since it is impossible to have a designator display a line between two pixels. Thus the only difference between the current application and Kazami is the exact number of possible size designators and it would be obvious to increase the number from Kazami's three to offer the user a greater range of choice. For these reasons applicants arguments have been found to not be persuasive.

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 10-12 and 21-24, 26-31, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazami (US Patent 6,289,178).

With respect to claim 10 Kazami discloses a camera user interface assembly comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2,

column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes. Thus as the user switches between zoom levels the designator will continuously increase or decrease in size, representing the current selected zoom level.

With respect to claim 11 Kazami discloses a camera comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes. Thus as the user switches between zoom levels the designator will continuously increase or decrease in size, representing the current selected zoom level.

The limitations of claim 12 are fully met by Kazami in the disclosure of indicia representative of a portion of a displayed image which is to be selected for capture (frames 24-26, FIG. 6 column 6 lines 38-47). It is inherent that the user is able to continuously change from larger to smaller size and from smaller size to larger size in order to select the zoom level desired.

With regard to claims 21 and 28, Kazami discloses a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current

magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes.

With regard to claims 22 and 29, Kazami discloses a display screen (liquid crystal display 15, FIG. 2).

With regard to claims 23 and 30, Kazami discloses an optical viewfinder (viewfinder window 22, FIG. 2).

With regard to claims 24 and 31, Kazami discloses the image-capture-area designator (frames 24-26, FIG. 6) corresponds to the area of enlargement (column 6 lines 33-46). It is inherent that the designator is both progressively increasing and progressively decreasing. As the camera user switches between the zoom levels, the designator will progressively get larger or smaller depending on whether the user desires to zoom-in or to zoom-out.

With regard to claims 26 and 33, Kazami discloses that the selector is pushed down (column 4 line 19-25), in other words a push button toggle. Since Kazumi does not disclose the exact function of the "W" portion of his zoom switch 21, the sector may be either a single push button toggle (if "W" is not used for zoom control) or a double push button toggle (if "W" is used for zoom control). In either case the limitations of claims 26 and 33 are fully met.

With regard to claims 27 and 34, Kazami discloses in FIG. 6 lines representing the corners of the area to be imaged under the current zoom settings, creating a 'line border' for the image-capture-area designator.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 14, 16, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazami (US Patent 6,289,178) in view of Niikawa et al. (US Patent 6,812,967).

Kazami, with regard to claim 14, discloses a method of picture taking comprising: imaging a remote scene on a two dimensional photodetector (column 3 lines 37-41); generating a first set of data representative of the scene (column 3 line 66-column 4 line 6); the image may either be viewed on a display screen (liquid crystal display 15, FIG. 2) on in an optical viewfinder (viewfinder window 22, FIG. 2) (column 4 lines 7-10); an area designator is displayed on the optical viewfinder, but not the display screen (column 6 lines 33-37); selecting a portion of the image that corresponds to the region within the designator (column 6 lines 33-37); and saving that second set of data (column 4 lines 51-62). Kazami does not disclose that area designator is displayed on the display screen (liquid crystal display 15, FIG. 2).

Niikawa et al. discloses a frame F enclosing a smaller region of the entire screen (LCD 10) to designate the region to be shown on another screen (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of picture taking of Kazami to include the frame displayed on the display screen as taught by Niikawa et al. in addition to the area designator displayed within the optical viewfinder in order to allow the user be able to tell the zoom region on both the optical viewfinder and the electronic viewfinder.

Kazami discloses, with regard to claim 16, a method of making a camera comprising: mounting a display (liquid crystal display 15, FIG. 2) on a camera housing (electronic still camera 10, FIG. 2); superimposing a resizable image-capture-area designator on the viewfinder

window 22 (FIG. 2, column 6 lines 37-46); and a toggle (zoom switch 21, FIG. 2), where toggle is defined as any device that allows the user to switch between alternatives, for controlling the display of the designator (column 4 lines 19-25). It is inherent that it would also control when the designator would appear since they only display the designator for the current zoom level (column 6 lines 40-46) and when there is no zoom level there would be no designator displayed since the edges of the viewfinder would constitute the edges of the photographing region. Kazami does not disclose that the display has a designator function.

Niikawa et al. discloses a frame F enclosing a smaller region of the entire screen (LCD 10) to designate the region to be shown on another screen (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of picture taking of Kazami to include the frame displayed on the display screen as taught by Niikawa et al. in addition to the area designator displayed within the optical viewfinder in order to allow the user be able to tell the zoom region on both the optical viewfinder and the electronic viewfinder.

With regard to claims 25 and 32, Kazumi discloses a camera user interface assembly, as shown with respect to claims10 and 11, respectively. However, there is no disclosure that the designator is a one-way, closed-loop resizable image-capture-area designator.

Niikawa et al. discloses the use of a one-way, closed-loop frame F, superimposed on the image displayed on a screen (LCD 10) to display the region that is to be shown on a second screen (EVF 20) (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the camera user interface assembly of Kazumi to include the frame F as taught by Niikawa et al. as a replacement to the corner indicia in order to show the user the boundaries of the entire region, not just the locations of the corners of the region to be imaged.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Henderson whose telephone number is 571-272-8619. The examiner can normally be reached on Monday-Friday, 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALH
22 November 2005

DAVID OMETZ
SUPERVISORY PATENT EXAMINER